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RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARTIN COLANGELO,

Defendant.

No. CR 3 - 05 - 71011 EDL

~~[PROPOSED]~~ SPEEDY TRIAL ORDER

WHEREAS, MARTIN COLANGELO ("Colangelo") is charged in a criminal complaint with violation of 18 U.S.C. § 371, in an action brought by the United States Postal Inspection Service;

WHEREAS, Colangelo made his initial appearance on the aforesaid criminal complaint, before the Honorable Bernard Zimmerman, on March 2, 2006, and was detained;

WHEREAS, the parties previously entered into a stipulation and order waiving time under Rule 5.1 as well as excluding time under 18 U.S.C. § 3161 through June 30, 2006, in order to provide for effective preparation of counsel;

SPEEDY TRIAL ORDER
[CR 3 05 71011 EDL]

1 WHEREAS, government counsel was out of the office on extended family medical leave
2 from mid-May 2006 and continuing throughout June 2006;

3 WHEREAS, the government is agreeable to delaying indictment in order to provide
4 Colangelo and his attorney the opportunity to review discovery, and where, since arrest preceded
5 indictment in this matter, it is unreasonable to expect return and filing of the indictment within
6 the period specified in section 3161(b), and further where it is in the defendant's best interest to
7 waive time under both Rule 5.1 to allow time for a resolution and disposition short of indictment
8 for a further four (4) weeks, through Friday, July 28, 2006;

9 THEREFORE, the parties agree and stipulate as follows:

- 10 1. Colangelo hereby again waives his right to have a preliminary hearing conducted
11 within 10 days of his initial appearance while out of custody, pursuant to Rule
12 5.1(c)-(d) of the Federal Rules of Criminal Procedure, taking into account the
13 public's interest in the prompt disposition of criminal cases and for good cause
14 shown;
- 15 2. Colangelo hereby again waives his right to have all of the charges contained in
16 the criminal complaint on which she made his initial appearance on March 2,
17 2006, indicted within thirty days of his initial appearance, on or before April 2,
18 2006, as required by 18 U.S.C. § 3161(b);
- 19 3. The government and Colangelo hereby agree that any indictment by the
20 government, as to charges contained in the criminal complaint, must be filed no
21 later than **July 28, 2006**, pursuant to section 3161(h)(8)(B)(iii);
- 22 4. The government and Colangelo hereby mutually agree that any preliminary
23 hearing and/or arraignment be held no later than **July 28, 2006**;

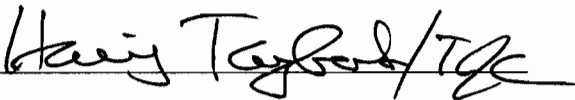
24 The undersigned parties, by and through their counsel, hereby agree and stipulate that
25 this waiver of time under Rule 5.1 of the Federal Rules of Criminal Procedure and section
26 3161(b) of the Speedy Trial Act shall remain in place until July 28, 2006, because this is a case
27 in which arrest preceded indictment, such that delay in the filing of the indictment is caused
28 because the arrest occurred at time that is unreasonable to expect return and filing of the

indictment as to all of the charges contained in the criminal complaint, within the period specified in section 3161(b), pursuant to 18 U.S.C. § 3161(h)(8)(B)(iii).

Moreover, in light of defense counsel's ongoing efforts to review discovery, such that good cause has been shown to continue the date for defendant's preliminary hearing taking into account the public's interest in the prompt disposition of criminal cases, pursuant to F. R. Cr. P. Rule 5.1(d), and further, because this waiver of time will ensure effective preparation of counsel taking into account the exercise of due diligence, such that the ends of justice are served by granting this continuance outweighs the best interest of the public and the defendant in a speedy trial, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161 (h)(8)(B)(iv).

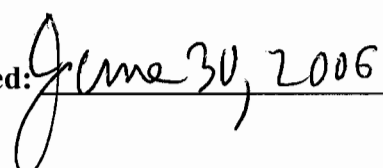
IT IS SO STIPULATED.

KEVIN V. RYAN
United States Attorney


HARRIS TABACK, ESQ.
for Defendant Martin Colangelo


TIMOTHY LUCEY
Assistant United States Attorney

IT IS SO ORDERED.

Dated: 
June 30, 2006


HON. NANDOR VADAS
United States Magistrate